

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE CINCINNATI SMSA )  
LIMITED PARTNERSHIP FOR THE ISSUANCE OF )  
A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A NEW CELL ) CASE NO. 97-202  
FACILITY FOR ITS DOMESTIC PUBLIC CELLULAR )  
RADIO TELECOMMUNICATIONS SERVICE IN )  
COVINGTON, IN THE KENTUCKY PORTION OF )  
THE CINCINNATI MSA )

O R D E R

The Commission has received the attached letters from Anita M. James and Charles P. Wagner (hereinafter "Petitioners") regarding the proposed cellular telecommunications facility to be located at Lot 47, Dixie Highway, Covington, Kenton County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Cincinnati SMSA Limited Partnership ("Cincinnati SMSA") shall respond to Petitioners' concerns by certified letter, within 10 days from the date of this Order.
2. Cincinnati SMSA shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 30th day of May, 1997.

ATTEST:

  
\_\_\_\_\_  
Executive Director

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
For the Commission

BD



Lewisburg Neighborhood Association

P. O. Box 284

Covington, Kentucky 41012-0284

RECEIVED

May 16, 1997

MAY 21 1997

P. S. C.  
Rates & Research Div.

Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, Kentucky 40602

RE: Public Service Commission of Kentucky Case No. 97-202

To whom it may concern:

Several residents in our community recently received a letter concerning the above-referenced case and brought it to the attention of the Lewisburg Neighborhood Association, it appears the proposed tower is in our neighborhood.

At the Lewisburg Neighborhood Association meeting held on May 14, 1997, the following resolution was passed:

**A motion was made by Jerry Stickley in response to a letter from Sitlinger, McGlinchey, Steiner, Theiler & Karem, Attorneys at Law, located at 3450 National City Tower, 101 S. Fifth Street in Louisville, Kentucky, to express opposition by the Lewisburg Neighborhood Association to the construction and operation of a 120-foot tower to provide cellular radio telecommunications service proposed for Lewisburg. Seconded by Mary Jane Klare, motion passed unanimously.**

Concerns expressed by the residents included:

- ▶ Hillside stability
- ▶ Compliance with Section 106 of the National Historic Preservation Act since Lewisburg is a National Register Historic District
- ▶ Health and safety issue
- ▶ Possibilities of interruption of local communications
- ▶ Aesthetics

We would like to be informed of any public meetings or other opportunities to provide input on this project.

Sincerely,

Anita M. James, President  
Lewisburg Neighborhood Association

BD

LAW OFFICES  
CHRISMAN AND WAGNER  
P. O. BOX 69  
711 SCOTT STREET  
COVINGTON, KENTUCKY 41012  
(606) - 431-1712  
TELECOPIER  
(606) - 431-1713

STANLEY CHRISMAN  
1894-1974  
CHARLES P. WAGNER

19 May 1997

Director's Office  
Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602

Re: Case No. 97-202

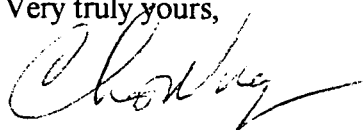
Gentlemen:

We are in receipt of a letter from Lee E. Sitlinger, Esq. in the above case. Copy, including attachment, are attached for reference.

The letter and attachment is vague. There is no postal address of Lot 47, Dixie Highway. There is a failure to provide other data to locate the proposed tower. The map attached to the letter is not readable and does not locate the proposed tower. Consequently, the location of the facility cannot be determined. Therefore, based on the familiarity of the surrounding neighborhood, it is very possible that the construction and use of the proposed facility would reduce the value of my client's property.

We request that we be allowed to intervene in this case. A motion in support is enclosed herewith for filing. If the motion is set for hearing, please advise of the date and time thereof.

Very truly yours,



Charles P. Wagner

Enc.

cc: Lee E. Sitlinger, Esq.

SITLINGER, MCGLINCY, STEINER, THEILER & KAREM

ATTORNEYS AT LAW

3450 NATIONAL CITY TOWER

101 S. FIFTH STREET

LOUISVILLE, KENTUCKY 40202

LEE E. SITLINGER  
DENNIS R. MCGLINCY  
JACK W. STEINER, JR.  
CHARLES E. THEILER, II  
EDMUND PETE KAREM  
CURT L. SITLINGER  
SCOTT E. KAREM  
REBEL M. LEE

May 7, 1997

TELEPHONE  
(502) 589-2627

FACSIMILE NO.  
(502) 583-3415

RE: Public Notice - Public Service Commission of Kentucky  
Case No. 97-202

To Whom It May Concern:

The Cincinnati SMSA Limited Partnership has applied to the Public Service Commission of Kentucky for a Certificate of the Public Convenience and Necessity to construct and operate a new facility to provide cellular radio telecommunication service. The facility will include a 120 foot tower, with attached antennas extending upwards for a total height of 137 feet, and an equipment shelter to be located at Lot 47, Dixie Highway, Covington, Kenton County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property or reside within a 500 foot radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have a right to intervene in this matter. Your initial communications to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 97-202 in your correspondence.

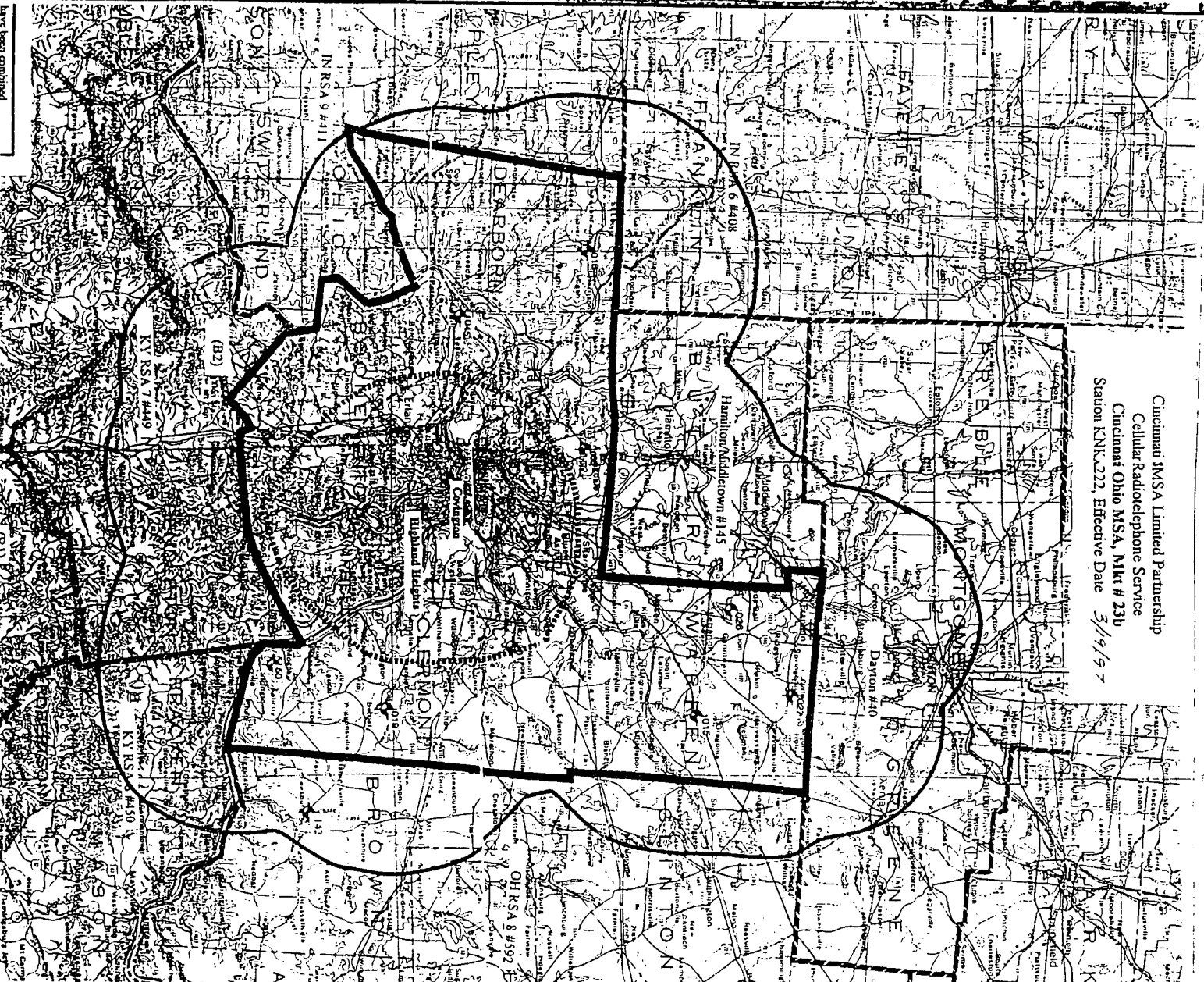
This notice was mailed on May 7, 1997.

Sincerely,

  
LEE E. SITLINGER

LES:lw

Cincinnati MSA Limited Partnership  
Cellular Radiotelephone Service  
Cincinnati Ohio MSA, Mkt # 23b  
Station KINK-222, Effective Date 3/1

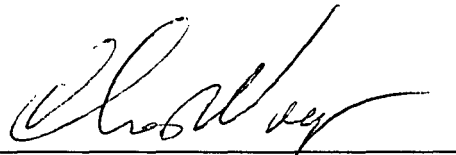


PUBLIC SERVICE COMMISSION OF KENTUCKY  
CASE NO. 87-202

**In Re: Cincinnati SMSA Limited Partnership**

**MOTION**

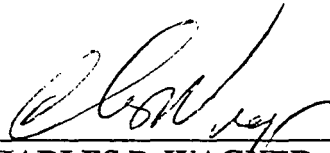
FN\P35 Inc. moves the Commission to allow it to intervene herein as FN\P35 Inc. owns property that will be affected by the request of Cincinnati SMSA Limited Partnership to erect a cellular tower and related facilities.



**CHARLES P. WAGNER**  
Attorney for FNP35, Inc.  
711 Scott Street  
Covington, Kentucky 41011  
73520-6063223367

**NOTICE**

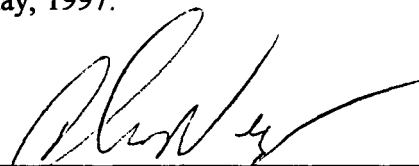
Please take notice that the above motion will be heard at the convenience of the Public Service Commission.



**CHARLES P. WAGNER**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon Lee E. Sitlinger, Esq., 3450 National City Tower, 101 S. 5th Street, Louisville, Kentucky 40202 by United States mail, postage prepaid, this 19th day of May, 1997.



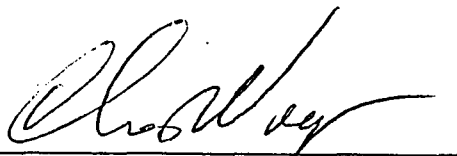
**CHARLES P. WAGNER**

PUBLIC SERVICE COMMISSION OF KENTUCKY  
CASE NO. 87-202

In Re: Cincinnati SMSA Limited Partnership

MOTION

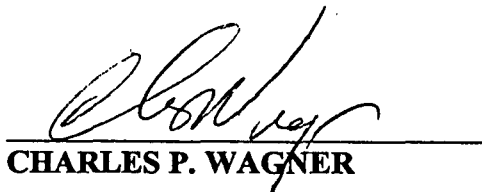
FNP35 Inc. moves the Commission to allow it to intervene herein as FNP35 Inc. owns property that will be affected by the request of Cincinnati SMSA Limited Partnership to erect a cellular tower and related facilities.



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Attorney for FNP35, Inc.  
711 Scott Street  
Covington, Kentucky 41011  
73520-6063223367

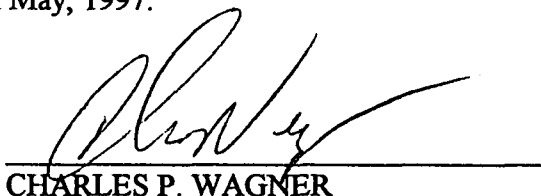
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CASE NO. 87-202

**In Re: Cincinnati SMSA Limited Partnership**

**MOTION**

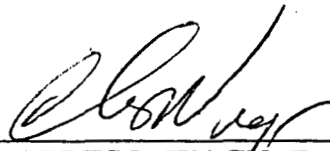
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**CHARLES P. WAGNER**  
Attorney for FNP35, Inc.  
711 Scott Street  
Covington, Kentucky 41011  
73520-6063223367

**NOTICE**

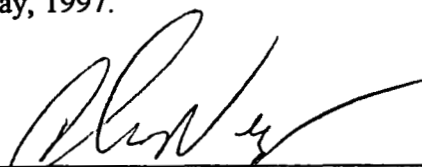
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**CHARLES P. WAGNER**